

Briefing PaperBNonrule Policy Document

Title: Brownfields Program Comfort and Site Status Policy

Brief Description of Nonrule Policy Document:

This policy sets forth guidance for IDEM's Brownfields Program to issue comfort and site status letters. The policy establishes two types of letters. A Comfort Letter® is issued to parties that are specifically relieved of liability under statute or existing IDEM policy. The Comfort Letter clarifies why the party is not liable. A Site Status Letter® is issued to a party that is still liable for contamination. The Site Status Letter states that IDEM does not anticipate requiring further action at the site at this time based on a technical analysis of information submitted to IDEM and comparison of the information to standard contamination levels.

Description of Need for Policy:

This document will help clarify the level of comfort that IDEM's Brownfields Program can provide through consistent application of an established policy. The policy provides objective standards for the issuance of letters and will help prevent IDEM from issuing a letter concerning an inappropriate brownfield site. The policy gives IDEM the discretion to issue comfort and site status letters.

Required Action from the Public: The public responded favorably to the non-rule policy. IDEM solicited comment from members of the Indiana Brownfields Advisory Group, a bi-partisan panel of State legislators, local elected officials, stakeholders, and other environmental professionals, which represents the public and has assisted with the development of several other brownfields redevelopment incentives. There is no need to revise the policy based on comments received from the public.

Other Comments or Issues: IDEM has been issuing these letters since 1998 (with positive feedback) and would now like to document their purpose in a non-rule policy. The policy was previously approved by legal and program staff (see attached) but was put out for public comment at the request of IDEM senior management.

Other Comments or Issues:

This briefing paper is to be filled out by the Assistant Commissioner of the program when the NPD is ready for final signature by the Deputy Commissioner, Chief Counsel, and Commissioner. This form must accompany the NPD for Commissioner's signature.